

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE SUBPOENA TO KRISTA
JACOBSEN

HEADWATER RESEARCH LLC

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. ET
AL,

Defendants.

Case No. [24-mc-80012-VKD](#)

Issuing Court Case No: 2:22-cv-00422-JRG-
RSP (E.D. Tex.)

**ORDER TRANSFERRING MOTION
TO COMPEL COMPLIANCE WITH
SUBPOENA**

Re: Dkt. No. 1

Movants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively “Samsung”), ask the Court to compel non-party Krista Jacobsen to produce documents and other information in response to Samsung’s Rule 45 subpoena, in connection with a patent infringement action pending in the Eastern District of Texas, *Headwater Research LLC v. Samsung Electronics Co. Ltd. et al.*, 2:22-cv-00422-JRG-RSP (E.D. Tex.) (“the Texas action”). Dkt. No. 1 at 1. Ms. Jacobsen opposes the motion and asks the Court to transfer it to the Eastern District of Texas. Dkt. No. 8 at 1. Samsung does not oppose transfer. Dkt. No. 9 at 4.

The Court concludes that Samsung’s motion should be transferred to the Eastern District of Texas pursuant to Rule 45(f) of the Federal Rules of Civil Procedure. Rule 45(f) provides that “[w]hen the court where compliance is required did not issue the subpoena, it may transfer a [motion to quash the subpoena] to the issuing court if the person subject to the subpoena consents or if the court finds exceptional circumstances.” Fed. R. Civ. P. 45(f). Ms. Jacobsen, the person subject to the subpoena consents to the transfer. *See Mirza, v. Yelp, Inc.*, No. 21-MC-80077-TSH, 2021 WL 2939922, at *3 (N.D. Cal. July 13, 2021) (“Rule 45(f) presents no bar whatsoever to the

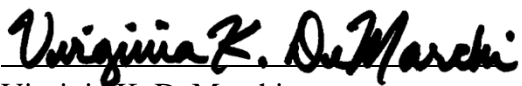
1 return of the matter to the Issuing Court where . . . the nonparties subject to the subpoena consent
2 to the transfer.”).

3 Accordingly, pursuant to Rule 45(f), the Court hereby directs the Clerk of Court to transfer
4 Samsung’s motion to compel and this miscellaneous action to the Eastern District of Texas for
5 decision by the issuing court in the matter *Headwater Research LLC v. Samsung Electronics Co.*
6 *Ltd. et al.*, 2:22-cv-00422-JRG-RSP (E.D. Tex.). The Clerk of Court is directed to close the file.

7 The Court finds that good cause exists to seal the materials identified in Samsung’s
8 administrative motions to seal (Dkt. Nos. 2, 10). *See Kamakana v. City & Cnty. of Honolulu*, 447
9 F.3d 1172, 1179 (9th Cir. 2006). These documents shall remain sealed.

10 **IT IS SO ORDERED.**

11 Dated: February 20, 2024

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14 Virginia K. DeMarchi
15 United States Magistrate Judge
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